IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Bail Appl..No. 3295 of 2007()

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CRIME NO.128/07 OF KASABA POLICE STATION

: PETITIONER/ACCUSED

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JEMSHID, S/O THEJIB,
AGED 24 YEARS, NEDUNGOTTUVAYAL HOUSE,
PARAMBATH, THALAKULATHUR P.O., KOZHIKODE TALUK.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

**B.A. No. 3295 OF 2007**

**Dated this the 5th day of June, 2007**

**O R D E R**

Petitioner, who is the 8th accused in Crime No.128/07 of Kasaba Police Station for offences punishable under Secs.328, 366 and 376(g) read with section 34 IPC and sections 3(1)(xi) and 3(2)(v) of the Scheduled Caste/Scheduled Tribe(Prevention of Atrocities) Act, seeks his enlargement on bail. The petitioner was arrested on 18.4.07.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the defacto complainant, who is a 32 year old lady belongs to the Scheduled Caste and was employed as a nurse, was enticed by accused Nos.1, 3 and 8 offering a higher salary and was subjected to gang rape after she was dragged into consent and was eventually robbed of her gold chain and abandoned at the seashore after having pushed her into the contempt world of flesh trade.

3. Having regard to the nature of the offences, the duration of the judicial custody of the petitioner, the present stage of investigation and the other facts and circumstances of the case, if the petitioner is released on bail, he will definitely influence and intimidate the prosecution witnesses. There is also the likelihood of the petitioner making himself scarce and fleeing from justice. I am, therefore, not inclined to grant bail to the petitioner at this stage.

This petition is accordingly dismissed.

**(V. RAMKUMAR, JUDGE)**

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